

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LYDIA DIANA WILLIAMS,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

CASE NO. C14-0018-JCC

ORDER

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler (Dkt. No. 27), and the objections and responses thereto (Dkt. Nos. 28, 29, 30). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby ADOPTS the Report and Recommendation for the reasons explained herein.

Plaintiff reasserts her original arguments (Dkt. No. 28 at 1), and raises three objections to the Report and Recommendations. Plaintiff first suggests that the Magistrate Judge misapplied the substantial-evidence standard and failed to consider that the ALJ had the burden of persuasion. (Dkt. No. 28 at 2; Dkt. No. 30 at 2 (citing *Young v. Holder*, 697 F.3d 976 (9th Cir. 2012)).) The Magistrate Judge, however, acknowledged this argument and appropriately found that applying the substantial-evidence standard in this case does not require overturning the Commissioner's decision if the evidence is closely balanced. As Plaintiff herself recognizes, "the

1 substantial evidence standard sets broad error bars around the ALJ's effort[s]," (Dkt. No. 30 at 2)
2 and the Court concludes that the Magistrate Judge did not misapply those "broad error bars" in
3 reviewing the Commissioner's decision.

4 Plaintiff also argues that the ALJ provided legally insufficient reasons for rejecting the
5 treating physician's opinion, and that Plaintiff's general credibility was irrelevant because the
6 treating physician did not base her opinion on Plaintiff's self-reports. (Dkt. No. 28 at 3-6.)
7 Having reviewed these objections, the Court agrees with the Magistrate Judge's thorough
8 analysis of the ALJ's treatment of Dr. Paretsky's opinion and the specific inconsistencies and
9 discrediting factors cited by the ALJ and the Magistrate Judge. (Dkt. No. 27 at 8-10.)

10 Accordingly, the Court hereby ORDERS:

- 11 (1) The Court ADOPTS the Report and Recommendation;
12 (2) The Court AFFIRMS the decision of the Commissioner; and
13 (3) The Clerk shall direct copies of this Order to all counsel and to Judge Theiler.

14 DATED this 30th day of September 2014.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE